**On the Pragmatics of Deep Disagreement**

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Abstract: In this paper, I present two tools that help shed light on deep disagreements and their epistemological consequences. First, I argue that we are best off construing deep disagreements as disagreements over conflicting understandings of certain concepts. More specifically, I suggest that deep disagreements are disagreements over how to understand concepts that play what Michael Friedman calls a “constitutive” role for speakers. Second, I argue that we need a better understanding of what speakers are doing when they engage in deep disagreements—what speech acts they are carrying out. I show that we are best off not reducing the relevant speech acts to more familiar speech act kinds, such as assertions or imperatives. I argue that when a speaker articulates an understanding of a concept, they are in part carrying out an act of stipulation. I provide an account of the pragmatics of stipulation and apply the account to examples of deep disagreement. Focusing on the stipulative dimension of deep disagreement opens up, in turn, a novel approach to defusing the epistemological challenges such disagreement seems to pose.

 I disagree with a friend over who directed a certain film. But we nonetheless both agree that we can check a particular source to resolve our disagreement. Robert Fogelin distinguishes such cases of routine disagreement from what he calls “deep” disagreement (1985). Deep disagreements, according to Fogelin, are those where there is no consensus on how the disagreement can be resolved. This lack of consensus arises because deep disagreement proceeds uniquely “from a clash in underlying principles. Under these circumstances, the parties may be unbiased, free of prejudice, consistent, coherent, precise and rigorous, yet still disagree” (5). If deep disagreements are in part distinguished by the fact that they concern speakers’ commitments to different “underlying principles” and the speakers involved therefore have no agreed-upon grounds for resolving their disagreement, then Fogelin thinks that we must accept the inevitable conclusion that “there are disagreements, sometimes on important issues, which by their nature, are not subject to rational resolution” (7). Fogelin is certainly not alone among philosophers in worrying that disagreements over speakers’ more fundamental commitments – even when those speakers are epistemically idealized – cannot be rationally resolved.[[1]](#footnote-1)

 In this paper, I present two tools that help shed light on deep disagreements and their epistemological consequences. Fogelin’s original account tells us that deep disagreements involve a “clash in underlying principles” or “framework propositions.” But he tells us little about what such “principles” or “propositions” are. In order to evaluate whether deep disagreements are rationally insoluble in the way Fogelin claims, we therefore need a clearer sense of what the content of deep disagreements consists in. This is the aim of my first intervention in the paper. I argue that we are best off construing deep disagreements as disagreements over conflicting understandings of certain concepts. More specifically, I suggest that deep disagreements are disagreements over how to understand concepts that play what Michael Friedman calls a “constitutive” role for speakers (1999, 2001, 2011). I adapt Friedman’s view as follows: for a concept to play a constitutive role is for it to determine how other, less fundamental concepts within a certain domain are to be understood and to enable first-order, empirical claims that utilize, but do not define, the concepts of this domain.

The second intervention I make builds on these clarifications to argue that we would be well served by taking a step back from the apparent epistemological challenges posed by cases of deep disagreement and asking a different sort of question – asking what it is exactly that speakers are *doing* when they engage in such disagreements. We should ask, in other words, what kind of speech act speakers are carrying out when they engage in deep disagreements. Are they, for example, *asserting* that something is the case? Are they *demanding* that others understand the issue in question as they do? Or is it perhaps some combination of various speech act kinds, and, if so, which kinds? Absent such an account, we cannot be confident in our diagnosis of the epistemic ramifications of purportedly deep disagreements.

The view I will begin to lay out in this paper is that such acts are best viewed as, in part, speech acts of *stipulation*. In various metaphilosophical disputes, philosophers will often accuse one another of “merely stipulating” that a concept is to be understood in a certain way. Stipulated understandings – so the criticism goes – fail to capture anything other than the speaker’s own idiosyncratic view of the concept in question that, accordingly, no one else has any reason to take seriously. I argue, however, that acts of stipulation do not function in the way philosophers have tended to think. They do not grant speakers a kind of unilateral authority that strips the resulting stipulation of normative force. On the contrary, I argue that when we make acts of stipulation the focus of an inquiry into their pragmatic structure, they turn out to be structurally *ends*-directed; they aim to advance the shared ends of the stipulator and their audience. As such, they are always felicitously subject to the criticism that they fail to advance these shared ends or that these ends are not in fact shared. When a speaker defends or articulates an understanding of a concept, I argue that they are in part carrying out an act of stipulation. This means, according to the view I develop, the speaker is engaging in a meta-linguistic act that gives the speaker and audience an entitlement to infer that a concept be understood in a specific way, while also precluding both speaker and audience from denying this inferential entitlement. Even if not explicitly, the speaker justifies their stipulation on the basis of whether it serves the shared ends of speaker and audience, and the act counts as justified on this basis only if it is taken to be by the audience. This second intervention highlights the need for a richer account of the pragmatics of deep disagreement and the particularly illuminating role that an account of stipulation can play in this context.

1. ***Clarifying deep disagreement***
	1. *Fogelin’s account of deep disagreement*

Richard Feldman helpfully explains the gist of Fogelin’s original argument as follows:

Deep disagreements are disagreements resulting from a clash of framework propositions. But framework propositions depend for their support not on other individual propositions but rather [as Fogelin says] ‘on systems of mutually supporting propositions (and paradigms, models and styles of acting and thinking.)’ Differences over these matters are not amenable to rational resolution (2005, 14).

Now if deep disagreements turn on “framework propositions”, then we need to know precisely what these are, but Feldman explains that he is “not clear about just what [Fogelin] means” here (14).

To get a better sense of what the content of deep disagreements consists in, it is instructive to turn to the examples Fogelin himself cites. Both examples concern how a particular concept is to be understood – the concept of moral standing. Fogelin asks us to consider disagreements over whether the practices of affirmative action and abortion are morally right where the parties to the disagreement agree on the relevant empirical facts and even generally agree on “moral issues” (5). They nonetheless disagree on the question of the morality of the practice. This is because, Fogelin tells us, after the parties cycle through the various considerations they take to count in favor of their view, they find that their “dispute is, in fact, one concerning moral standing” (7). In the affirmative action argument Fogelin imagines, “[t]he anti-quota argument rests on the assumption that only individuals have moral claims. The pro-quota argument rests upon the assumption that social groups can have moral claims against other social groups” (7). They are therefore at odds over whether the concept of moral standing applies to social groups as well as individuals. Fogelin takes the exchange to illustrate his general conclusion regarding deep disagreement: “Is there any way of adjudicating a clash of this kind? I confess that I do not see how” (7).[[2]](#footnote-2)

In (b) of this section, I pursue this common thread in Fogelin’s examples and argue that deep disagreements are usefully construed as disagreements over conflicting understandings of a concept or concepts.[[3]](#footnote-3) In (c), I then argue that it is a specific subset of conceptual disagreement that most clearly corresponds to cases of deep disagreement.

* 1. *Deep disagreement and concepts*

 Fogelin does not himself acknowledge this point, but it is not a coincidence that the examples he cites of deep disagreement both end up turning on the question of how a concept is to be understood. I want to suggest that we are well-served by construing deep disagreements as disagreements over how to understand concepts because this approach gives us a clear diagnosis for why our reasons appear to run out when faced with such disagreements. There is a close link between normative reasons – reasons in favor of holding a belief or carrying out an action – and the concepts we have. One can only have a normative reason to Φ or a normative reason to believe *p* if one also has the relevant concepts implicated in the act of Φ-ing or in the proposition *p*. If I encounter, say, a car but have no corresponding concept of a car, it is unclear in what sense I could be said to have a reason to treat it as such. I might of course have a reason to *acquire* the concept of a car, and post-acquisition of the concept, I will then have a reason to treat the object as a car. But prior to the acquisition, I simply have no such normative reason because I lack the concept in question that could give me this reason.

This close link between concepts and normative reasons is particularly apparent in the cases of deep disagreement analyzed in the literature influenced by Kuhn’s work on scientific revolutions. Bas van Fraassen sums up the questions this literature addresses and his own view as follows: “How are we to understand scientific and conceptual revolutions? Are there really such radical, deep-going changes as philosophers such as Norwood Russell Hanson, Paul Feyerabend, and Thomas Kuhn described? I can state my response quite simply. Yes, there are such changes” (2002, 64-65). Van Fraassen also contends that “[w]e should not think of these conceptual overturnings as peculiar to the empirical sciences. There have been great changes in our conception of what it is to be a person, or conscious, or moral” (70). The challenge posed by such “conceptual overturnings” for philosophy is that, if they are genuinely revolutionary, then they will (and do) show up to us as “irrational”, “absurd”, or “nonsensical”; how, then, could such proposals ever be rationally endorsed? Van Fraassen helpfully describes a crucial temporal dimension to the epistemological challenge posed by these cases: “[They] are characterized by a remarkable historical asymmetry. From the posterior point of view, the prior can be made intelligible and the change ratified. From the prior position, however, the posterior view was absurd and the transition to it possible but incapable of justification” (65). That is to say, retrospectively, after we have acquired the relevant concept or set of concepts, we may well feel – and often do – that this was not only a fully intelligible proposal, but the correct view. Prospectively, however, prior to acquiring the proposed concepts, it is unclear how we could ever have the necessary normative reasons for making the transition to the novel view that we lack the necessary concepts to make sense of.

Consider, for example, William Magie’s 1912 Presidential Address to the American Association for the Advancement of Science that van Fraassen cites.[[4]](#footnote-4) Magie entreats proponents of Einstein’s special theory of relativity as follows: “A theory becomes intelligible when it is expressed in terms of the primary concepts of force, space and time. When a physical law is expressed in terms of those concepts we feel that we have a reason for it, we rest intellectually satisfied on the ultimate basis of immediate knowledge” (1912, 293). How then can this view be endorsed “until [these scientists] succeed in explaining the principle of relativity by reducing it to a mode of action expressed in terms of the primary concepts of physics?” (293). Prospectively, Magie is not willing to make the transition because the proposal in question departs from the reigning understanding of the relevant “primary concepts” and so he and other researchers do not have a “reason” for making the transition. Retrospectively, however, once the revised understandings of these concepts became widespread, “within a very few years [researchers] relinquished that opposition to relativity” (van Fraassen 2002, 68).

Whatever one thinks of this Kuhn-inspired line of thought and the treatment of this case, van Fraassen’s discussion makes the connection between normative reasons and concepts clear: absent the relevant concepts or shared understandings of these concepts, I seem to lack corresponding normative reasons to endorse a proposal that implicates these concepts (or novel understandings of these concepts). In light, then, of Fogelin’s own examples, the general considerations concerning normative reasons I have raised, and the considerations that arise in the parallel literature concerning cases of (purportedly) radical conceptual change, I suggest that we focus our attention on cases of *conceptual* deep disagreement.[[5]](#footnote-5) This approach offers us a more precise way of understanding why deep disagreement poses a unique epistemological challenge than the “principles” and “propositions” about which Fogelin tells us little.[[6]](#footnote-6)

* 1. *Deep disagreement and concepts that play a constitutive role*

 In the previous section, I forged a link between deep disagreements and concepts, arguing that deep disagreements are usefully understood as conceptual disagreements. Now I want to further specify the kinds of conceptual disagreements that are relevant to deep disagreement. To do this, I will adapt Michael Friedman’s account of the “constitutive” role or function of certain sentences in inquiry. Friedman’s notion of a constitutive role for concepts is, in my view, well-suited to help clarify the distinction between deep and non-deep disagreement.

 While I have argued so far that deep disagreements are usefully understood as disagreements over how to understand concepts, this does not imply that *all* conceptual disagreements should be thought of as deep disagreements. Some conceptual disagreements clearly do not demonstrate the kind of justificatory exhaustion Fogelin and others are interested in. Consider the following two cases:

Shoulder Roll (SR): Nora and Debbie are training together at a boxing gym they have been attending for several years. They are discussing whether or not the “shoulder roll” in boxing is a purely defensive maneuver or whether it also has an offensive component. Debbie says the shoulder roll is purely defensive because its purpose is to help a fighter avoid punches and because it is associated with the sport’s best defensive boxers. Nora says that it also has an important offensive component because it allows the boxer to counter missed punches especially well. They decide they will ask their trainer to settle the debate. Their trainer tells them that Nora is right: the shoulder roll also has a crucial offensive component because it sets up counter punches effectively. This is why many professional boxers who have employed the shoulder roll effectively have also been very good offensively as well as defensively. Nora nudges Debbie, who concedes that she was wrong.

Personhood (PH): Expert legal theorists Peter and Linda have just heard that an animal rights group is arguing before a court that a chimpanzee is being wrongly imprisoned in a research facility – an argument that will require showing that the chimpanzee counts as a person. Peter explains that he has a great deal of sympathy for the position of the animal rights group. The chimpanzees clearly are persons, he says. “[I]n science fiction movies,” Peter points out, “we have no difficulty in grasping that aliens like the extraterrestrial in ‘E.T.,’ or the Na’vi in ‘Avatar,’ are persons, even though they are not members of the species Homo sapiens” (Singer 2014).[[7]](#footnote-7) To be a person, Peter says, is simply to be something that is capable of feeling pain and capable of at least a certain degree of thought. Linda says that this view cannot be right. She and Peter have argued about the moral status of nonhuman animals many times before, and Linda says that if Peter is right and chimpanzees and many other nonhuman animals are persons, then we have a moral obligation to protect them in the way we would any other person – by, for example, providing them with healthcare. But actively intervening in the wild to protect chimpanzees and other nonhuman animals is absurd, Linda argues. To be a person, she adds, is to be capable of sophisticated, reflective thought and deliberation. Nonhuman animals are therefore ruled out. Peter says that Linda’s view also rules out human beings who have severe cognitive disabilities. She says she is willing to accept this consequence because the alternative is Peter’s view, where we have to intervene in the lives of nonhuman animals in unacceptable ways.

In SR, Nora and Debbie are engaged in a conceptual disagreement, but it is not deep. They begin with different understandings of the concept of the shoulder roll: for Debbie, it is a purely defensive maneuver, while for Nora, it also has an important offensive component. But they have an agreed-upon method for resolving their disagreement: they will check in with the experienced expert in this area who can settle the question of how the concept is to be understood. Such an agreed-upon method for resolving the disagreement means Nora and Debbie’s disagreement does not count as “deep” in Fogelin’s sense.

 On the surface, PH similarly turns on the question of how a concept is to be understood – the concept of personhood. But here there is no similarly obvious method or procedure for resolving the disagreement between Peter and Linda. Each takes themselves to be accurately representing the concept of personhood. They are both experts in the field, and neither takes existing collective usage to be decisive for making sense of the concept. Lack of an agreed-upon method for resolving a disagreement, however, would not be sufficient for the disagreement to count as deep. There might, for example, be no agreed-upon method for resolving a disagreement over a concept whose importance is nonetheless trivial to both speakers. In order to distinguish deep from non-deep disagreements, then, we have to consider what generates this lack of an agreed-upon method – its source. Fogelin tell us that deep disagreements stem “from a clash in underlying principles”. The fact that the concept of personhood plays a specific, seemingly fundamental *role* in how Peter and Linda make sense of a particular domain (here, moral and political life) is therefore what seems to generate the lack of an agreed-upon method and so what makes their disagreement count as deep.

But we now face the question Feldman raises: what does it mean exactly for a concept to play a “fundamental” role in how we make sense of a certain domain? Here Michael Friedman’s account of the “constitutive” role or function of specific commitments in inquiry can be particularly helpful. In *Dynamics of Reason*, Friedman is concerned to argue against what he views as the orthodoxy of Quinean epistemological holism in philosophy of science (2001). Our commitments are not distinguishable only in terms of their proximity or distance from the “tribunal” of the empirical world, as Quine argues; they often have fundamentally different roles or functions that they play for us (Quine 1980, 41). Friedman develops an alternative neo-Kantian and neo-Carnapian view according to which certain commitments play the role of enabling the very possibility of various empirical judgments. Friedman calls these commitments “a priori constitutive principles”, but, unlike for Kant, Friedman’s principles are dynamic, changing over time.

I cannot do justice to Friedman’s full account here. What I want to adapt for the purposes of this discussion is Friedman’s view that certain commitments can play a “constitutive” role in inquiry. As I will understand it, a commitment is constitutive if it indicates how “the meanings of the [key] terms of any paradigm or framework” should be understood (2001, 60). Audrey Yap, who similarly advocates for a neo-Carnapian distinction among constitutive and non-constitutive roles for our commitments, explains that an understanding of a concept that plays a constitutive role “does not just mean [it is] ‘more epistemically entrenched.’ The constitutive…principles are those upon which the very meanings of other sentences in the language depend” (2010, 446).

 A concept that plays a “constitutive” role, as I will understand it, helps to define how other key concepts or terms of that inquiry are to be understood and how further, less fundamental concepts or terms implicated in that inquiry are therefore also to be understood. With these constitutive concepts defining the inquiry’s key vocabulary, first-order empirical claims become felicitous and intelligible. These claims count as “first-order” because they utilize, but do not define the key concepts or terms at stake in the claim, as opposed to the “higher-order” function of concepts that play a constitutive role. For example, in the context of aesthetic judgments, the concept of art can be said to play a constitutive role. If I understand the concept of art as referring to objects that are beautiful and aim to represent the world accurately, then this will affect how I make sense of further downstream concepts, such as good and bad art or different genres of art. Given this constitutive understanding of art, I will also be able to make first-order judgments about what does or does not count as a work of art.

 A feature of Friedman’s account I want to highlight is that it allows us to appreciate the distinction between the role a commitment plays that is separate from the content of that commitment. This is a crucial point because, as I see it, this distinction is compatible with Quinean skepticism of analyticity. The fact that there are constitutive roles that commitments can play does not entail that any particularcontent *must* play this role: different content can be swapped into and out of these roles at different times and for different reasons – which is precisely why Friedman argues for a “dynamical” account of constitutive principles. In this sense, because Friedman’s account does not say that any particular content *must* occupy a constitutive role, it does not covertly smuggle in a conception of analyticity that good Quineans ought to reject.[[8]](#footnote-8) Friedman thus preserves the notion that there are meaning-constituting roles that certain of our commitments play without endorsing the idea that any particular commitment or content *must*, analytically, play this role. I want to highlight this point because the view I defend in the second half of this paper is that the speech act of stipulation is what equips us with the necessary linguistic autonomy to “swap” or “move” different content into and out of constitutive roles. More specifically, I will argue that stipulative acts allow us to establish different or novel inferential connections for understanding those concepts that play a constitutive role for us.

 Demarcating a “constitutive” role for concepts provides us with a helpful way of more precisely specifying what distinguishes deep from non-deep disagreement. Consider, in this light, the disagreement in PH. Plausibly, the concept of personhood plays a constitutive role for both Peter and Linda in how they make sense of moral and political life. It allows them to make meaningful first-order truth claims about particular cases – for example, that a chimpanzee does or does not count as a person. We can also easily imagine that their respective understandings of personhood in part determine how they understand other concepts they use to make sense of moral or political life but which do not play the same constitutive role as the concept of personhood – such as, say, the concept of vegetarianism. How Peter and Linda understand vegetarianism – whether, for example, they think it is ethically acceptable – will be downstream from, and informed by, how they understand the concept of personhood. By contrast, Nora and Debbie’s disagreement concerning the concept of a shoulder roll is circumscribed: it does not affect their judgment that they have the same understanding of the sport and the vast majority of concepts and practices that make up the sport. This concept does not plausibly play a constitutive role for them.

 That the concept of personhood plays a constitutive role for Peter and Linda also explains why they would have no agreed-upon method for settling their disagreement and why their normative reasons appear to run out in the course of their disagreement. Because the concept of personhood plays this constitutive role in making sense of moral and political life for these speakers, there is no further commitment to appeal to in order to move one another. Their understanding of other concepts for making sense of moral and political life will be informed by their understanding of personhood, and their other commitments within this domain will be downstream from their understanding of these concepts. This is why, for example, Linda’s point that the positive provisions owed to persons should preclude nonhuman animals from this category does not move Peter: it reflects an understanding of persons he does not share, and so he ascribes far less weight to this consideration. The same holds for Peter’s emphasis on the shared capacities of humans and nonhuman animals. These are not the capacities reflected in Linda’s understanding of personhood, and so she remains unmoved. Their disagreement is therefore deep because it concerns a concept that plays a constitutive and so fundamental role in their sense-making practices within this domain. There is no further, more “constitutive” concept or commitment either speaker can appeal to in this context to move the other, and so their reasons appear to run out. Peter and Linda therefore seem to simply dig in their heels and insist that personhood be understood as they understand it; their impasse, in turn, seems to be epistemologically intractable.

 Now I do not want to give the impression that each speaker’s inferential life consists in anything like a pristinely regimented structure – where there are, say, a determinate number of concepts playing constitutive roles, another determinate number occupying various non-constitutive roles, and a determine set of corresponding commitments that do not concern concepts at all but are first-order claims. First, I am with Friedman in thinking that we need a dynamic account of how our commitments shift over time, and this dynamism will make any such mapping for any particular speaker or community always provisional. Second, no matter how reflective an agent might be, simply given the constraints of our cognitive resources, it cannot be the case that we have investigated all of our commitments and intentionally placed them into a determinate role where they, in turn, have only a precise, circumscribed impact on our other commitments. In fact, *that* there is any determinate organization to our commitments may well be an artifact of exchanges such as cases of deep disagreement where we are put in the position of giving our commitments a more determinate organization. Of course, in some cases, there will already be an antecedent determinate structure to our commitments, but it is likely that these exchange or disputes are what prompts an agent to introduce structure to their commitments that was not there previously.[[9]](#footnote-9)

 With these caveats in place, we might start to worry that the notion of a constitutive role for a concept is too slippery to be useful. But this worry would be overblown. What I am suggesting with these qualifications is only that we take care when switching from a certain Quinean picture of the structure of our commitments to one closer to the Kantian-Carnapian-Kuhnian picture that Friedman suggests. As Friedman puts it: “In place of the Quinean figure of an holistically conceived web of belief…I would like to suggest an alternative picture of a thoroughly dynamical yet nonetheless stratified or differentiated system” of commitments (2001, 45). It is this “stratified or differentiated” vision of the structure of our commitments – where commitments differ in terms of the role or function they play – that can be particularly useful for illuminating the phenomenon of deep disagreement. This picture is useful, I am suggesting, even if we must be careful to keep in mind that this “stratified or differentiated” structure is not as neatly or simply organized as we might like.

 Let me summarize the results of this first section. I have suggested that we take deep disagreements to turn on concepts because this gives us a clearer sense of why reasons appear to run out when we encounter these disagreements. We lack normative reasons for shifting our understanding of a concept if we do not have a shared understanding of this concept with our interlocutor or if we are not yet in possession of the alternative concept being proposed. I then pointed out that further nuance is called for here because, as the contrasting SR and PH cases show, not all conceptual disagreement is deep disagreement. Deep disagreement, I argued, can usefully be viewed as disagreement over how to understand concepts that play a constitutive role for speakers. Our reasons appear to run out in cases of deep disagreement because we have different understandings of what the constitutive concept in question consists in. In disagreeing over a concept that plays a constitutive role, speakers cannot obviously appear to any further grounds to resolve their disagreement and therefore face the serious epistemological challenge to which Fogelin draws our attention.

1. ***The pragmatics of stipulation***

With these clarifications of deep disagreement in hand, I now want to consider the question of what kind of speech acts may be at stake in such disagreement and whether any of these acts have a unique structure that helps shed light on these disagreements.

* 1. *Clues for a non-assertoric approach*

At first, it might seem clear that we can treat the relevant speech acts in cases of deep disagreement as a straightforward series of truth claims. After all, speakers in these cases seem to be simply asserting that they are veridically representing the concept in question. But it is noteworthy that Friedman himself does not take up this approach. He dedicates some of his (2001) discussion to the question of what it is that speakers are doing when they propose an understanding of a concept that plays a constitutive role. Friedman reaches for a specific term to describe the kind of speech act speakers are engaged in when they attempt to articulate this novel understanding of a concept: he consistently refers to such acts as ones of speakers “elevating”, for example, “an empirical law…to the status of a coordinating or constitutive principle” (102). Each time he uses this term, however, he surrounds it in scare quotes (e.g., 88, 90, 102). I do not think this is simply a stylistic flourish on Friedman’s part. His hesitance here points to a question he is struggling with: how exactly should we characterize the speech act a speaker is performing when they articulate or defend an understanding of a concept, especially in cases where this concept plays a constitutive role for that speaker? Friedman cannot construe the relevant acts exclusively as a series of truth claims because his view is that our constitutive commitments are what *enable* the felicity and intelligibility of truth claims in the first place; the speech acts proposing such commitments therefore cannot themselves be truth claims – hence the need to reach for another term: “elevate”.

 This non-assertoric reading of the relevant speech act is also echoed in one of the inspirations for Friedman’s position – Carnap’s discussion of linguistic frameworks. Carnap is emphatic that when are faced with the “question of whether or not to accept…new linguistic forms,” neither the proposal nor its acceptance should be construed as a truth claim: the relevant act “cannot be judged as being either true or false because it is not an assertion. It can only be judged as being more or less expedient, fruitful, conducive to the aim for which the language is intended” (1950, 31). What, then, is this non-assertoric speech act that is apparently at stake when a speaker articulates or defends an understanding of a concept? If such speech acts are centrally involved in cases of deep disagreement, as I have argued, then we will have to squarely face this question.

 Sally Haslanger’s recent work invites us to consider the possibility that stipulation may be the relevant non-assertoric speech act. Haslanger’s work has renewed interest among philosophers over the question of what exactly we are doing – in both philosophical and non-philosophical contexts – when we argue over how to understand a certain concept (2012). Her view is that a descriptive reading of this activity is generally misguided – that in most cases we are engaged in what she calls an “ameliorative” approach to conceptual analysis and dispute. On this approach, we “consider what work we want these concepts to do for us; why do we need them at all? The responsibility is ours to define them for our purposes” (224). For the ameliorative project, “neither ordinary usage nor empirical investigation is overriding, for there is a stipulative element to the project: *this* is the phenomenon we need to be thinking about. Let the term in question refer to it. On this approach, the world by itself can’t tell us what [the concepts consist in]; it is up to us to decide what in the world, if anything, they are” (224). To say that a concept or term ought to be understood in a way that breaks from reigning usage requires that we possess a certain linguistic autonomy – what Haslanger calls here a “stipulative” capacity to re-define or re-articulate the concept or term in question. Because, on my view, deep disagreements involve speakers disagreeing over how to understand concepts, if Haslanger is right, then getting clear on just what this “stipulative” speech act consists in will be crucial for better understanding what we are doing when we engage in deep disagreement. In the remainder of this paper I will provide an account of the speech act of stipulation. While the resulting view will yield conclusions similar to Haslanger’s, I will provide what Haslanger does not – an account of the specific pragmatic structure of speech acts of stipulation. First, however, I consider an entrenched, competing view of stipulation.

* 1. *Stipulation as fiat*

Haslanger tells us that when we engage in an ameliorative approach to conceptual analysis, “the world by itself can’t tell us” how we ought to understand the concept in question. It is finally “up to us to decide” how the concept ought to be understood. But if this is right, then it immediately raises the following worry: how do we know we are not simply fabricating our understanding of this concept out of whole cloth if it is finally “up to us” how to make sense of it? What are we accountable to such that the understanding we stipulate could count as “right” or “wrong,” “correct” or “incorrect”? The worry concerning acts of stipulation in this context is that by granting us this unilateral semantic authority to settle what a term means for us, the resulting stipulation is stripped of any genuine normative force – there is no reason anyone else needs to take the idiosyncratic meaning the speaker introduces seriously.

Let’s call the view that takes this worry to be decisive the *stipulation-as-fiat* view. Marian David explains a version of this worry. Cases where a speaker stipulates how a given term or concept is to be understood “seem arbitrary and therefore theoretically irrelevant…A preoccupation with stipulative definitions loses sight of the main value that definitions are supposed to have. They ought to embody the answers to questions of the form “What is an F?”. But how could a mere stipulation ever address any serious concern of this nature?” (1993, 111). The stipulation-as-fiat view is implicit in many metaphilosophical disputes. Philosophers will often accuse one another of “merely stipulating” that a concept is to be understood in a certain way and that this stipulation changes the subject from what is actually at stake in a philosophical debate to something “theoretically irrelevant”.

Consider, for example, Laurence BonJour’s criticism of the externalist approach to knowledge for ignoring the “whole idea, central to the western epistemological tradition, of knowledge as essentially the product of reflective, critical, and rational inquiry” (1978, 8). Externalism “constitutes a solution to” epistemological questions according to BonJour, only in the “relatively uninteresting sense” that it is talking about something that has nothing to do with the actual “epistemological tradition” (8). The externalist, according to BonJour’s criticism, merely stipulates that the concept of knowledge be understood in a way that solves questions relating to knowledge. But while the externalist is free to understand the concept of knowledge however they like, there is no reason anyone else needs to take their understanding seriously because this understanding is not meaningfully constrained: it is not accountable to the relevant tradition that could make it count as right or wrong. The externalist can settle epistemological questions by fiat, but they do so at the price of depriving their stipulated answers of genuine normative import.

Despite philosophers often invoking this line of reasoning, they tend to pass over the question of how exactly to characterize this charge. They are not arguing, or not primarily arguing, that their opponents have made a false claim or have made a mistake in their reasoning. They are objecting that their opponent is carrying out a different kind of speech act from the one they take themselves to be performing. But they do not provide any detailed account of the pragmatic structure of these stipulative acts. I turn now to that task.

* 1. *An alternative account of stipulation*

As a preliminary note, my methodological orientation in the subsequent discussion is that speech acts can be individuated by the “the characteristic difference they make if they are *successful*” (Lance and Kukla 2013, 459, italics mine). This “characteristic difference” can be understood in terms of the normative statuses – the commitments and entitlements – a successful performance of the act uniquely brings about for both the speaker and their audience (Austin 1975; Brandom 1994; Sbisà 2002; Lance and Kukla 2013). For example, the speech act of promising is plausibly in part individuated by the fact that when a speaker successfully performs this act, they have committed themselves to undertake a certain action and the audience is entitled to hold them accountable to this commitment (and therefore censure them if they fail to uphold it). As Lance and Kukla point out, however, the “success” of a speech act is not something that comes about instantaneously, right at the moment of utterance: it requires that the speaker be entitled to perform the act (that the act be felicitously performed), that the act be given uptake by the appropriate corresponding audience, and that the audience then comport themselves in accordance with the normative statuses brought about by the act. At any of these stages, a speech act can fail. The distinguishing features of a speech act therefore only fully come into view in cases where they are successful – which is how I will analyze the speech act of stipulation, while acknowledging (in ways I will further clarify below) that stipulative acts, like all speech acts, often fail to come off.

To spell out my overarching view of the pragmatics of stipulation, which I previewed in the introduction, we can divide the account into three central planks:

**S1**: Stipulations are meta-linguistic acts.

**S2**: Successful stipulations give the speaker and audience an entitlement to a specific inference or set of inferences, while also precluding both speaker and audience from denying this entitlement.

**S3**: Even if not explicitly, the speaker justifies their stipulation on the basis of whether it serves the shared ends of speaker and audience, and the act counts as justified on this basis only if it is taken to be by the audience.

Importantly, my view of stipulation allows for different kinds of content to be stipulated. Let’s begin, then, with a case where a speaker does *not* stipulate an understanding of a concept in order to build up to a case of this kind. In the following example, I am playing a game of basketball with friends. In our previous week’s game, we ran into a problem because we had not clarified beforehand when a team would win. I say to my friends that for this game,

* + 1. “I’m going to stipulate that whoever scores 11 points first wins”.

Suppose I am successful in securing the uptake I want in (1) from my friends – i.e., my friends do not object and proceed to implement this rule. Let’s analyze exactly what I have done in (1). To begin with, we can say that I have performed a *meta*-linguistic act: I have directly shaped the terms in which we will make sense of the relevant context. If I get uptake for (1), I will not have changed something about any of the facts concerning the basketball or court *qua* physical objects; I will have changed how we talk about and make sense of our context. My act is therefore directly about the relevant communicative context and only indirectly about the world (e.g., the basketball or the court). This is (S1) in my account of stipulation.

Once (1) is given uptake by my friends, what I have also done is grant myself and my friends a specific inferential entitlement – that whenever we mention our game, we are entitled to infer that it is won when someone scores 11 points. Conversely, as long as the audience is giving uptake to (1), no relevant speaker can deny this inference and suddenly operate with a different understanding of the game (unless they are thereby migrating to an objection to (1) – a possibility I explore just below). Allowing for this inferential entitlement opens up, in turn, various other inferential and pragmatic possibilities. For example, I can now infer who will count as a winner and loser of the game; I can infer when someone is close to winning or close to losing, and so on. I can also now carry out certain speech acts, which may not have made sense prior to (1) and its uptake. For example, I can now invite someone to play who thought we were going to have a longer game that they couldn’t participate in, or I can congratulate someone on winning and console someone who loses. This is (S2) in my account of stipulation: a stipulation grants the speaker and audience a shared inferential entitlement, which in turn opens up further, novel inferential and pragmatic possibilities. Crucially, the stipulated inferential connection need *not* be one that has previously occurred to my audience. Perhaps, for example, we have always played until someone scores 7 points in the past, and this is the first time it has occurred to someone to propose a higher score.

(S2) has certain important resonances with Brandom’s account of assertion. For Brandom, to assert that *p* is to undertake a commitment to *p*, which means both presenting *p* “as fodder for inferences leading to further assertions” as well as defending *p* if challenged (1983, 640). There is, on the one hand, a sense in which stipulations share elements of this structure. Like assertions, stipulations provide fodder for further inferences and other speech acts, as we have just seen. This point is easier to see if we consider a stipulation with a different input. Rather than an example where a speaker stipulates a rule, consider an example where a speakers stipulates that a certain fact should be taken to be true in the context of an argument. During an argument, I feel that my friend and I are getting stuck in a pointless side debate over whether it will rain tomorrow*.* I say:

(2) “For the sake of argument, I am going to stipulate that it will rain tomorrow”.[[10]](#footnote-10)

When I carry out this stipulation in (2), I am presenting it “as fodder for inferences leading to further assertions”. Prior to stipulating this factin our conversation, there were claims I and my friend were not willing to accept because we disagreed about the truth of this purported fact. But once the fact has been stipulated, we can now utilize it for all sorts of previously blocked inferences and further assertions.

 On the other hand, the “justificatory responsibility” for a stipulative act importantly differs from the one Brandom links to assertion (642). Brandom argues that when I assert *p*, I undertake a commitment to defend *p* if challenged. The defense Brandom has in mind here is an assertoric one – a further assertion defending *p*. But when I stipulate *p*, I am not undertaking a commitment to the truth of *p*. In fact, when I stipulate *p*, what I am in part doing is saying that both I and my interlocutor can access *p* without needing to further assertorically justify *p*. If, for example, after carrying out the stipulation in (2), my friend says, “But it won’t rain tomorrow!” this objection can easily become infelicitous. I could rightly accuse my interlocutor of misunderstanding what I am trying to do with my utterance, i.e., misunderstanding the kind of act I am performing: “I am not asking you to concede that it will rain tomorrowor even trying to engage you in a debate over whether it will. I am saying let’s just stipulate, for the sake of argument, that it will rain tomorrow”. To continue to assert that it will not rainin response to my stipulation is therefore a misfire; my friend is simply playing the wrong kind of language game. I do not have the justificatory burden of assertorically defending the content of my stipulation

 There nonetheless is a crucial justificatory burden I incur when I stipulate: I have a responsibility to demonstrate that my stipulation will be useful for the relevant context. Consider, for example, what a felicitous criticism of (2) would look like. My friend can argue here that there is nothing to be gained from giving uptake to my stipulation: “No, I don’t think there’s any point to accepting that it will rain tomorrow because the rest of our argument turns on that fact!” An audience can felicitously object to a stipulation, in other words, by pointing out that it fails to be useful. Consider (1) again. It is an infelicitous criticism of (1) to object that it is not the case that whoever scores 11 points first wins the game, if we have not yet established the rules for our game. I would be justifiably confused by this utterance: “But I am not saying this is already the case. I’m proposing that we make this the case!”. A felicitous objection to (1), by contrast, might say that the game will be over too quickly if someone only has to score 11 points and so wouldn’t be much fun. A different felicitous objection might say we should only play until 3 to heighten the stakes of each possession. Neither of these objections challenges the truth of the stipulation; they challenge its utility.

This is because, when I stipulate, I have a responsibility to show that the stipulation is useful for the context in question. Note in (2) that I stipulate “for the sake of argument” – i.e., I am saying that our conversation or argument will go better or go well if we give uptake to the stipulation. Similarly, implicit in my stipulation in (1) is that we will have a good game (or perhaps a fun or challenging game depending on what I take our shared ends to be) if we give uptake to my stipulation. Here we have arrived at (S3) in my account of stipulation: speakers justify their stipulation on the basis of whether it serves what they assume to be their shared ends with their audience, and the act counts as justified on this basis only if it is taken to be by the audience.

 We have just considered two cases of stipulation – (1) and (2) – using my account. It is important to highlight that, according to this account, both the stipulated inferential entitlement and the ends that a speaker implicitly uses to justify the stipulation can differ widely from case-to-case. In (1), for example, the stipulated inferential entitlement concerns a rule for our game, whereas in (2), the stipulated inferential entitlement concerns a particular empirical fact. The ends I use to justify my stipulation in (1) and (2) also differ. In (2), I justify my stipulation on the basis of conversational utility, whereas in (1) I justify it on the basis of having a good game. Because of the variability in the content that can be stipulated and the ends speakers implicitly use to justify their stipulations, nothing about a stipulative act limits its scope to a provisional or ephemeral context. We can imagine, for example, a different version of (1) where I stipulate that for all future games we play, the winner is whoever first scores 11. My act will be successful if it secures uptake from my audience, but they may also criticize and block my stipulation for failing to promote our shared ends – perhaps because they would prefer more variety in the games we play.[[11]](#footnote-11)

 With this clarification about different inputs for stipulative acts, we can turn now to a case of a speaker stipulating an understanding of a concept. Consider PH again. When Peter and Linda each say, “To be a person is…”, my position is they are both, in part, engaged in carrying out an act of stipulation.[[12]](#footnote-12) Consider first, however, the more familiar speech act candidates for analyzing the case. Given the descriptive surface grammar of these utterances, the most obvious route is to treat them as assertions. But it is hard to see how this reading could be right. Neither Linda nor Peter is trying to represent collective usage with respect to this term or concept: they each accept, for example, that there is something deeply counter-intuitive about their understanding of personhood. They are both saying that we nonetheless *ought* to understand the concept in a particular way, despite the descriptive surface grammar of their utterances and despite how this concept may be generally used. How, then, should we account for this apparent normativity? Given that it is not the “world by itself” settling the question of how the concept ought to be understood, as Haslanger puts it, it is tempting to assume that Peter and Linda are instead aiming to *impose* their understanding on others. Perhaps, then, they are issuing a kind of imperative: they are commanding others to understand the concept in their preferred way (Horwich 2005).[[13]](#footnote-13) But this approach also seems wrongheaded. To command or order others to understand the concept in their preferred way would involve accepting this understanding on the basis of the speaker’s authority, rather than accepting it because it is the correct understanding.[[14]](#footnote-14) But the latter is what Peter and Linda want.

 Consider, then, an analysis of the case using my proposed account of stipulation. Peter and Linda are clearly engaged in a meta-linguistic act: they are aiming to shape the language by which we will make sense of the world – (S1) in my account. Rather than reporting on existing usage, they want to articulate a different or novel understanding of the concept in question. They want to establish that whenever a speaker invokes the concept of personhood, they will be entitled to a specific inference. Peter wants speakers to be entitled to the inference that a person is “something that is capable of feeling pain and capable of at least a certain degree of thought”, whereas Linda wants speakers to be entitled to the inference that a person is something “capable of sophisticated, reflective thought and deliberation.” If these stipulated understandings are given uptake, then, conversely, no one would be permitted to deny these inferential links: speakers would be censured for failing to understand the concept correctly. This is (S2) in my account of stipulation.[[15]](#footnote-15)

 Analyzing PH using my account of stipulation, however, seems to run into trouble when we consider (S3). After all, neither Peter nor Linda explicitly says that they have ends in mind that justify their preferred understanding of personhood. But note that the ends-directed structure of stipulations is often not apparent from how they are expressed in utterances. In (1), for example, there is no explicit mention of ends. The fact that I nonetheless implicitly justify my act on the basis of certain ends becomes apparent once we consider what a felicitous criticism of my stipulative act would look like (that, for example, (1) should be rejected because it will fail to make for a good game). When we look closer at PH, we similarly find that both Peter and Linda – whether they are aware of it or not – are utilizing certain ends to justify their preferred understanding of personhood. Linda, for example, believes that a concept of personhood must be answerable to the way persons are uniquely owed certain goods and services. She therefore prefers an understanding that draws a firm line between (certain) humans and non-human animals. Peter, by contrast, believes that any concept of personhood should be answerable to the end of maximizing inclusivity because, otherwise, we risk ruling out groups that we already consider to be persons. He therefore opts for a more capacious understanding of personhood.

 Neither speaker in PH makes the ends they are using to justify their preferred understanding explicit. This is typical in cases where speakers articulate an understanding of a concept. As Haslanger’s account of the ameliorative project shows, we are often unaware that we are even engaged in a normative project when we articulate or defend a certain understanding of a concept and therefore package our accounts as an assertion or series of assertions (e.g., “To be a person *is*…”). The fact that Peter and Linda do not explicitly articulate the ends they appeal to is reflective of this assetoric default: they are perhaps not even aware they are appealing to ends here. Another explanation is that they – and any speakers who defend or articulate an understanding of a concept – are simply assuming that their ends are shared with their immediate and potential interlocutors. Peter, for example, is simply assuming that Linda and other potential interlocutors will want an understanding of personhood that is answerable to the goal of inclusivity. Linda is similarly assuming that Peter and other potential interlocutors will want an understanding of personhood that is answerable to the aim of providing persons with certain corresponding goods and services. They might be right, but they might also, of course, be wrong that these ends are shared or shared widely with respect to the concept of personhood. Each of these ends – maximizing inclusivity and ensuring certain positive provisions for persons – can easily become topics of additional debate and negotiation. And further stipulative acts may well be required to argue over how best to understand the various concepts implicated in these ends.[[16]](#footnote-16) The point here, however, is just that, whether or not speakers themselves are aware of it, they are justifying their stipulated understanding of the concept on the basis of what they take to be ends they share with their audience. This is (S3) in my account of stipulation.[[17]](#footnote-17)

* 1. *Stipulation and deep disagreement*

Suppose, then, that I am right that both speakers in PH are, in part, carrying out acts of stipulation in articulating their understanding of the concept of personhood. This is a concept I have also argued plays a constitutive role for both Peter and Linda. Combining these two aspects of my account, we can say that what Peter and Linda are doing here is attempting to establish a direct inferential connection between the concept of personhood and their preferred understandings, where other speakers will now be entitled to make this inferential connection and will be censured for denying it. Because this concept plays a constitutive role, this inferential connection will have a wide-ranging impact on speakers’ other commitments. If I stipulate a contested, but minor empirical fact as I did in (2), then this fact will constrain the relevant context, but this constraint will have little impact on the kind of linguistic moves we can make. If I stipulate an understanding of a concept that plays a *constitutive* role, then the implications will be maximally wide-ranging – because, as we have seen, a concept in a constitutive role fundamentally shapes how we make sense of a domain. Understandings of other concepts and first-order judgments will change in turn.

Why opt for this reading of the pragmatics of deep disagreement over others? We have already seen why it will not make sense to construe a speech act where a speaker defends or articulates how a concept ought to be understood exclusively on the model of assertion. If I am right that deep disagreements concern concepts that play a constitutive role for speakers, then whatever speech act is at stake here enables the very felicity and intelligibility of assertions, and so is not itself helpfully modeled on assertion, as Friedman, Carnap, and others argue. But, at the same time, speakers are not simply giving expression to slices of their idiolects, nor are they ordering others to understand a concept in a specific way; they want their understanding to be taken up as *correct*. Their speech act here is therefore one that aims to exercise genuine normative force. My account of stipulation captures these two aspects the speech act in question must evince: linguistic autonomy and genuine normativity. My account of stipulation explains how speakers have the linguistic autonomy to articulate different or novel understandings of concepts that play a constitutive role. Stipulative acts allow speakers to forge inferential connections that may have never occurred to their audience, and if a speaker can secure uptake for this understanding, they will change how others think and talk about the world. But they do not do so by settling these questions by fiat and thereby stripping their act of normative force. Even if not explicitly, they justify their stipulation on the basis of its utility.

Using this framework of stipulation to analyze deep disagreement also allows us to grasp how speakers engaged in such disagreements can be epistemically rigorous in Fogelin’s sense. They can, for example, draw out the appropriate consequences of their conflicting, stipulated understandings of personhood. They can understand other downstream concepts accordingly and make the correct, corresponding first-order judgments. But, even so, they will disagree over how to understand the concept of personhood. Because this concept plays a constitutive role, there is no clear further commitment to appeal to that would be able to settle the disagreement. In this constitutive capacity, their understanding of personhood will be implicated in any other commitment they might invoke to make sense of this domain. Their normative reasons for their disagreement over how to understand the concept of personhood will therefore appear to run out.

 Treating deep disagreements as, in part, clashes between stipulative acts whose content involves different understandings of constitutive concepts provides us with a clearer sense of why these disagreements seem to pose the epistemological problems they do. This approach also points toward a novel way forward for addressing these concerns. If I am right that speakers in cases of deep disagreements are, even if they unaware of it, issuing stipulations and if I am also right that stipulations are structurally ends-directed, then there will always be further, *practical* reasons we can appeal to in order to further engage or resolve a deep disagreement. As we saw earlier, this was precisely Carnap’s view of proposing or endorsing a novel understanding of a concept that plays a constitutive role for us.[[18]](#footnote-18) If, therefore, I am engaged in acts of stipulations in the context of deep disagreement, then it is far from clear that my reasons run out. While I might face an irreconcilable clash of *theoretical* reasons with my interlocutor (given our different understandings of the concept at stake that plays a constitutive role for us), the speech act I perform shows that we may well have further *practical* reasons for entertaining one another’s understanding. For example, while Peter may not be able to produce theoretical reasons that will persuade Linda to endorse his understanding of the concept of personhood as true, he can produce – and is indeed already producing – practical reasons for Linda to give uptake to his understanding. He is saying, and if aware of the stipulative structure of his act Peter could make explicit, that if Linda cares at all about the end of maximizing inclusivity in attributions of personhood, then she should consider endorsing his understanding. I do not have space here to explore this implication of my account further, but it points to a further payoff of closely considering the pragmatics of cases of deep disagreement. Our view of the epistemological problems that deep disagreement poses may be fundamentally altered.

1. ***Objections***

I turn now to three objections to my discussion of stipulation and deep disagreement.

* 1. *Objection 1: Stipulations and assertions revisited*

A reader might object that my attempt to distinguish acts of stipulation from assertions is misguided. After all, Stalnaker’s influential view of assertion seems to account for the same linguistic phenomena I am interested in because he builds the notion of a “proposal” into his view of assertion: “[T]he speech act of *assertion*…changes the context by adding the propositional content of the assertion to the common ground…So the assertion is, in effect, a proposal to change the context (the common ground) in a certain way, a proposal that takes effect it if it is not rejected” (2014, 51). A full treatment of Stalnaker’s account of assertion and a comparison of it to my view of stipulation would take us too far afield here, but, for now, I can say that Stalnaker’s view is not fine-grained enough to capture the phenomena I am interested in. A proposal, for example, is an intersubjective speech act: I am calling on others to take up a particular proposition or course of action, for example. Assertions, however, are not intersubjective in this same way. If I assert that *p*, I might know in advance that most people in the conversation will disagree with me. But I can be entirely indifferent to this anticipated disagreement. I cannot, however, be similarly indifferent if I am proposing something because, in proposing, I am dependent on others when I perform this speech act: I am aiming to get their uptake for my proposal. Stipulations are much closer to proposals than to assertions in this regard. For certain theoretical and philosophical purposes, then, it can certainly be fruitful to gloss assertion as a proposal to change the common ground.[[19]](#footnote-19) But because I am interested in the specific kinds of changes wrought by stipulations *as opposed to* assertions and other speech acts, Stalnaker’s view simply paints with too broad a brush for delineating the phenomena I am interested in.[[20]](#footnote-20)

* 1. *Objection 2: Stipulation and speaker authority*

Second, someone might object that my account of stipulation ignores what seems to be the clear relationship between stipulation and speaker authority. Consider, for example, Paul Horwich’s view of what he calls “semantic stipulation” (2005, 137). Horwich argues that “[t]o stipulate that something be the case is, in a sense, to ‘command’ that it is to be so – to state that it shall be so with the expectation of being able thereby to bring it about that it is so” (137-138). For example, “a teacher might stipulate which questions the students are to answer in order to pass his course; a dictator might stipulate who her successor will be; the owner of a dog might stipulate what it should be called; and we might for convenience introduce a new term, ‘autofanticide’, under the stipulation that it is to mean ‘the killing by a time-traveller of his infant self’” (138). One of the chief problems of Horwich’s account here is that it collapses stipulation into a type of imperative and therefore fails to identify stipulation as a unique speech act. If stipulations are commands, then they should be treated as such; if they are not, then they should be distinguished from commands and given a separate treatment. Turning to Horwich’s examples here, it is hard to see what is added to saying that a dictator commands a specific line of succession to also claim that a dictator engages in a stipulative act via this utterance. Similarly, without further argument, it seems redundant to say that a teacher, in addition to issuing an imperative, stipulates the requirements for a course.

Horwich’s account is a sophisticated version of the stipulation-as-fiat view. While I cannot give anything like a knockdown argument against that entrenched view here, my alternative account of stipulation has given us good reason to think that it is on the wrong track. If I am right that stipulations are structurally ends-directed, then they are *always* felicitously subject to criticism. Other speakers can always appropriately challenge whether the attempted stipulation serves the shared ends of speaker and audience. This is why, in (S3), I explain that stipulations must always be justified in the view of their audience in order to be successful. If stipulative acts are not given this uptake by their audience, then they fail. It is therefore not the case that when a speaker stipulates, they are able to command and thereby settle what is the case.

 I do want to highlight an important detail from Horwich’s discussion, however. There is a telling slippage between his first three examples of stipulation and his final example. In the first three, we have a speaker who occupies a formal position of authority who is settling what is the case via their utterances: a teacher, a dictator, and an owner. But in the final example, Horwich says that it is “we” who can stipulate the meaning of a novel lexical item. This “we,” however, is not described by Horwich as occupying any formal position of authority. It refers to any possible speaker. But it is far from clear that a speaker who does not occupy a formal position of authority could nonetheless felicitously issue a command. Either, then, this final example is not a case of stipulation (because it is not plausibly a command), or Horwich is wrong to fold stipulations into commands, which would mean his general account of stipulation should be rejected. But note that this final example is the type of case Horwich is most interested in because it involves what he calls a “semantic” stipulation – a stipulation of how a certain term is to be understood. If he wants to hold on to the idea that this is an act of stipulation, then he will have to give up the idea that stipulation is a command – a type of speech act that requires formal authority to be felicitously carried out.[[21]](#footnote-21)

Horwich’s account underscores the need for a further account of the relationship between stipulation and speaker authority – a complex issue I can offer only a few clarifications on here. The most straightforward relationship between speech acts generally and speaker authority is found in cases where the speaker must occupy a formal position of authority in order to felicitously perform the speech act in question, as in the case of orders. Assertions, by contrast, do not seem to require any special formal authority for their felicitous performance: everyone is entitled to perform an act of assertion. But the assertions and other speech acts that end up securing uptake will often turn on the kind of *informal* authority a speaker has in virtue of an advantageous social and material position and in virtue of other attributes the speaker may possess, such as a compelling or charismatic personality (Herbert and Kukla 2016; Barnes 2016). By the same token, the speech acts of those who are oppressed in virtue of their social and/or material position, even if felicitously performed, will often fail to secure the uptake the speaker is aiming for because they will not be heard or taken seriously by the audiences the speaker is addressing (Kukla 2014). Privileged informal authority is therefore not a felicity condition for many speech act performances, but it does play a substantial role in their eventual success or failure.

My view is that stipulations are like assertions: one does not need any unique, *formal* speaker authority to successfully perform a stipulation. But the stipulations that get uptake – especially stipulations of an understanding of a concept – will likely track familiar informal sources of authority that are linked to a speaker’s social and material position. To have an advantageous social and material position will make it more likely that one gets uptake for this speech act and to lack such a position will make it less likely that one secures this uptake.[[22]](#footnote-22)

There is an interesting further wrinkle, however, in the relationship between stipulative acts and authority. Stipulations canprove successful even if they are issued by non-formally authoritative speakers *and* even if they conflict with the pronouncements of speakers who are formally authoritative within the relevant domain. Suppose, for example, I hold no official position of authority in the Jewish community, but am something of an autodidact. I spend a great of time learning about the concept of *kashrut* and then, in a publication that has a wide circulation among the relevant subset of the Jewish community, I stipulate that we ought to understand this concept in a novel way – a way that substantially departs from how the concept is currently understood within the community, especially by figures in the relevant positions of formal authority.[[23]](#footnote-23) While it is still unlikely that my stipulation will prove successful, it is certainly not impossible. It will depend on how the stipulation is received by the relevant audience and whether they give it the kind of uptake it needs. If they do, then my stipulation will be successful and the community will have agreed to understand this concept in the way I have stipulated. This is, again, a very unlikely trajectory for my stipulative act, but, importantly, not an impossible one.[[24]](#footnote-24)

What this case helps to draw out is the potential *egalitarian* dimension to stipulative acts: they can in principle be successfully performed by anyone. For any case where someone or some group articulates or defends an understanding of a concept that cuts against the pronouncements of formally authoritative figures within this domain, my view is that such a change must be at least in part a product of a successful stipulative act. Consider, for example, feminist interventions that have legally and (in some cases) culturally transformed our understanding of the concepts of gender, harassment, and rape (see, e.g., Siegel 2004, Hasday 2000, MacKinnon 1979, Farley 1978). These novel understandings of concepts were stipulated by speakers facing enormous barriers to having their speech taken seriously, but were nonetheless, in many contexts, successful. This can only be the case if stipulations are not constitutively tied to speakers occupying specific positions of authority.In principle, then, stipulation is an egalitarian linguistic tool because it is not structurally tied to formal speaker authority for either its felicitous or successful performance. In practice, however, this egalitarian dimension of stipulation is rarely realized.[[25]](#footnote-25)

* 1. *Objection 3: Disanalogy between stipulation and deep disagreement*

A third objection might be that there seems to be a disanalogy between cases of stipulation and cases of deep disagreement, especially as I have understood the latter. In the case of stipulation, we are putting forward something in a non-committal way. But in cases of deep disagreement, we are saying that this is the *correct* understanding of the topic in question. We cannot, then, re-cast cases of deep disagreement as stipulative acts, according to this criticism.

 Here, however, we need to be careful not to slide back into the mistake of taking interlocutors’ own immediate self-descriptions as decisive for interpreting these exchanges. After all, Haslanger’s distinctions between different approaches to conceptual analysis show that philosophers themselves have often been unclear on or unaware of what sort of project they are engaged in, even though many such philosophers take themselves to specialize in the project of conceptual analysis.[[26]](#footnote-26)

 My claim in this paper is not that the relevant speech acts at stake in instances of deep disagreement are *only* stipulations. My claim is that deep disagreements cannot be understood pragmatically without treating them as involving, in part, acts of stipulation. Because I endorse a form of speech act pluralism, this does not preclude viewing particular cases as involving and particular utterances as performing other speech acts in addition to stipulations: the relevant utterances may also function as demands, entreaties, requests, (in part) as assertions, among various other speech acts (Cappelen and Lepore 2005). These additional pragmatic layers, which will be more or less salient to speakers depending on the context, can easily occlude the fact that speakers are carrying out acts of stipulation when engaged in deep disagreements.

1. ***conclusion***

My aim in this paper has been to make two contributions to the deep disagreement literature: first, following Godden and Brenner (2010), I have recommended that we construe deep disagreements as disagreements over concepts and specifically over concepts that play a constitutive role for the relevant speakers. Second, I have argued that we need a better understanding of the speech acts at stake in deep disagreements. If we accept my first proposal that deep disagreements be taken to turn on conflicting understanding of concepts, then treating the relevant speech acts involved in these disagreements exclusively as assertions will not get us far. I have argued that we are better off approaching the relevant speech acts as involving acts of stipulation. Stipulative acts, I argued, are structurally ends-directed: they are justified on the basis of what the speaker takes to be the ends they share with their audience.

 Whether or not you accept my specific approach to the pragmatics of deep disagreement, my hope is that this discussion motivates the importance of investigating the kinds of speech acts at stake in these exchanges. If, however, you are persuaded that an account of stipulation offers a helpful way of thinking about the pragmatics of deep disagreement, then I have also argued that it comes with an added benefit. When stipulations are construed as I have suggested (as structurally ends-directed), they offer us a potential tool for addressing the epistemological worries that deep disagreement gives rise to. If I am stipulating that a concept should be understood in a certain light when I am engaged in a deep disagreement, then I am doing so not primarily because the content of the stipulation is true, but because it will be useful to endorse this stipulation. Whether I realize it or not, I am therefore offering practical reasons to endorse my understanding of the concept in question.[[27]](#footnote-27) With this dimension of stipulative acts made explicit, novel ways of addressing the epistemological challenges of deep disagreement open up in turn.

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1. Fogelin takes his account to be aligned with Wittgenstein’s reflections in *On Certainty* on whether our linguistic practices necessarily condemn us to justificatory exhaustion – condemn us ultimately to digging in our heels and simply declaring the opposing side “a fool and a heretic” when we have reached “the end of reasons” (1969/1972, §611 and §612, 81e). Wittgenstein famously observes in *Philosophical* *Investigations* that there will always be contexts in which our reasons run out, where we have “reached bedrock” and our “spade is turned” (1953/2009, §217, 91e).Godden and Brenner’s (2010) discussion of Wittgenstein on deep disagreement is congenial to the views I advance here. They argue that deep disagreements are “rooted in differences in concepts”, a view I will also endorse (76). They take deep disagreement to involve a specific kind of linguistic exchange, “a kind of ‘persuasion’…a form of rhetoric in the service of concept-formation” (77). My account of stipulation in this paper gives one view of what such persuasion might involve. [↑](#footnote-ref-1)
2. Unlike Fogelin, I do not think the debate over affirmative action turns on the question of whether groups can have moral standing. (I think questions concerning the nature of oppression and equality are much more plausibly at stake in these disagreements.) But what I am interested in here is the fact that Fogelin’s examples of deep disagreements are all disagreements over how to understand a concept. This is an important clue for arriving at a more precise account of deep disagreement generally, even if we disagree with Fogelin’s treatment of specific cases. I give my own detailed example of a deep disagreement (PH) below. [↑](#footnote-ref-2)
3. Throughout the paper, I rely on a broadly inferentialist understanding of concepts and conceptual content, in line with Brandom (1994): “To grasp or understand a concept is…to have practical mastery over the *inferences* it is involved in – to know, in the practical sense of being able to distinguish, what follows from the applicability of a concept, and what it follows from” (89). [↑](#footnote-ref-3)
4. I cite a different excerpt from Magie than van Fraassen. Van Frassen’s discussion of Magie can be found on (2002, 68). [↑](#footnote-ref-4)
5. An approach to deep disagreement Godden and Brenner (2010) also take. [↑](#footnote-ref-5)
6. To be clear, I am not committing myself to the strong claim that deep disagreements *only* ever involve conceptual disagreements. But for the purposes of sharpening the epistemological challenge posed by deep disagreement, I think we are well served by focusing on cases where we do not share an understanding of the concept in question with our interlocutors. When we do not have the same understanding of the concept, we do not seem to have the corresponding normative reasons this understanding generates for its users. I also say that reasons “appear” to run out in these cases because while I think my view of deep disagreement accounts for this appearance, I argue in the second half of the paper that it need not be the case that our normative reasons are exhausted in deep disagreements. [↑](#footnote-ref-6)
7. The character of “Peter” here is of course based on Singer – hence the use of text from a piece of his – but I intend Peter to be taken as a fictional legal theorist for the purposes of the case and not as the real-world philosopher. (Making Peter and Linda legal theorists is intended to make clear that the kind of conceptual disagreement at stake in PH is not the exclusive province of philosophers, as McConnell-Ginet (2006), Plunkett and Sundell (2013), Thomasson (2017 and forthcoming), and Cappelen (2018) have argued.) [↑](#footnote-ref-7)
8. Friedman also emphasizes this point: “Carnap is able to accept the basic idea lying behind Duhemian holism without dissolving the desired distinction between conventional and factual, constitutive and empirical” (1999, 70). I came across this passage thanks to Yap’s citation of it in her (2010, 445). [↑](#footnote-ref-8)
9. Also relevant here is that I have often talked in this paper of one’s commitments with respect to a certain “domain.” I have left my formulation of the notion of a domain quite vague. This is intentional. I do not want to commit myself to any specific carving up of our activity that gives the impression that this categorization is not itself equally subject to change and revision over time. ”Domains,” as I want to understand them, are contextually defined, such that, in certain circumstances, we can talk about the domain of boxing and the concepts we bring to bear on understanding this sport (and the relative status of these concepts as constitutive or not), whereas in other contexts we may talk about the domain of sports in general or the domain of practical versus theoretical activity, and so on.

 [↑](#footnote-ref-9)
10. It is worth noting that the word “stipulate” need not have appeared in (1) and (2) to analyze these cases, pragmatically, as instances of stipulation in my sense. In (1), for example, I might have said to my friend, “Whoever scores 11 points first wins” or “Let’s say whoever scores 11 points first wins”. In (2), I might have said: “Say, for the sake of argument, that it will rain tomorrow”. Because I do not take surface grammar to be a decisive indicator of underlying pragmatic structure, the fact that the word “stipulation” does not appear in these versions of the cases has little bearing on how these utterances should be analyzed pragmatically. What matters is the characteristic, normative difference such speech acts make when they are successful. This point will be important when we consider examples of speakers stipulating an understanding of a concept – an analysis at odds with speakers’ own immediate self-descriptions and therefore not straightforwardly reflected in the surface grammar of their utterances. (I discuss this point in more detail in section (iii) of the paper when I address objections to my view.) [↑](#footnote-ref-10)
11. A reviewer asks how my view compares to Mitchell Green’s account of supposition (2000). Green’s supposition is a subset of stipulation, as I understand the latter. For Green, the speech act of supposition refers “to the acceptance of a proposition for the sake of argument” (376). In this section, I have clarified that different kinds of content can be stipulated and various ends can be appealed to in a stipulative act. Supposing a proposition for the sake of argument is therefore only one example among many of stipulation, according to my view. Many aspects of Green’s account of supposition are, however, congenial to my more general view of stipulation. Green offers what he calls an attitude externalist account of supposition, according to which supposition does not require “an internal physical medium for its realization” (393). Instead: “Like many other statuses, the state of supposition thus attained is to be understood in the first instance in terms of what one in that state is committed and entitled to do, and like many other statuses a state of supposition is not easily attained, but rather requires proficiency in the art of reasoning and an ability to “bracket” questions of the truth of propositions supposed for argument’s sake” (390-391). Green’s emphasis here on the unique normative statuses brought about by a successful act of supposition as the primary means of individuating the speech act, rather than turning to the instantiation of a specific mental state, is very much in line with my methodological approach in this paper. [↑](#footnote-ref-11)
12. I say “in part” here and throughout when discussing the pragmatics of deep disagreements because, as I explain below, I endorse a form of speech pluralism, according to which a single utterance can be an expression of multiple speech acts simultaneously. The fact that an utterance may be an expression of a stipulative act does not, therefore, preclude it from also being an expression of other speech acts. [↑](#footnote-ref-12)
13. I consider Horwich’s view of semantic stipulation in more detail below. [↑](#footnote-ref-13)
14. I use the language of “correctness” here because I want to indicate that there is a crucial normative dimension of the speech act they are performing. The language of “correctness” prevents us from pre-judging whether we should understand this normative dimension of the act in terms of truth (a reading I reject) or in terms of a different source, such as an appeal to certain ends (a reading I endorse). [↑](#footnote-ref-14)
15. In their (1997), Lance and O’Leary-Hawthorne argue for a similar view of the function of utterances where a speaker defines a term or concept: “(1) Meaning claims function as inference licenses; to say that P means Q is to endorse the inference from P to Q…(2) Meaning claims functions as censure licenses; to say that P means Q is to license censure of those who refuse to endorse the inference from P to Q” (124). Their account here is very close to (S2) in my account of stipulation. Despite this similarity, there are at least two key differences between their account and mine. First, whereas Lance and O’Leary-Hawthorne focus on meaning claims, I think this inference license and censure is implicated in *all* stipulative acts, not just stipulations that involve the meaning of a term or an understanding of a concept. Second, I take stipulative acts to be structurally and necessarily ends-directed, which is not a feature of Lance or O’Leary-Hawthorne’s account. [↑](#footnote-ref-15)
16. It may turn out, for example, that speakers have all along in fact been appealing to different ends to justify their stipulated understandings, in which case they may be simply talking past one another or may have room among their commitments for a more fine-grained set of distinctions concerning the concept of personhood that vindicates elements of both of their views. As opposed to my view that links a specific justificatory responsibility to stipulation, Juhl and Loomis (2010) advocate a view of stipulation according to which “a rule is introduced into the language such that a particular sentence-type is to be taken as true…and its truth is to be taken as empirically indefeasible” (283). Juhl and Loomis’s discussion of stipulation is closely tied to their preferred view of analyticity (or what they call analyticity\*). The connection between stipulation and analyticity was important to the logical empiricists, and I plan to spell out in detail in future work the implications of my account of stipulation for the phenomenon of analyticity (which I have only gestured at in this paper). It is worth noting here, however, that (S3) in my account of stipulation, is directly at odds with Juhl and Loomis’s emphasis on the indefeasibility of stipulations. While I agree with Juhl and Loomis that a speaker who stipulates does not need to assertorically defend the true of their stipulation, they nonetheless incur the justificatory burden of demonstrating the utility of their stipulation, which in turn makes their stipulation subject to felicitous criticism and therefore defeasible. [↑](#footnote-ref-16)
17. While I think my account of stipulation works well with the account of deep disagreement I give in the first half of the paper (as I explain in the next section), there is strictly speaking no necessary connection between the two. One can endorse my account of stipulation without endorsing my view of deep disagreement and *vice versa*. [↑](#footnote-ref-17)
18. In addition to Carnap’s views here and Haslanger’s account of the ameliorative project, Sally McConnell-Ginet’s account of “instrumental definitions” yields conclusions similar to the ones I arrive at in this paper: “[A]n instrumental definition often urges adoption of a definiens somewhat divergent from though closely related to those already established as conventionally associated with the definiendum. The latter case would traditionally be called a ‘stipulative’ definition, but that terminology suggests an arbitrariness and possibly complete novelty that is inconsistent with the connections instrumental definers generally draw to prior uses of the definiendum. In either case, it is the alleged superior utility for certain purposes at hand of the definitions urged that supports definers’ exhortations. Instrumental definitions live in scientific debates, in discussions of morality or of aesthetics, in courtroom exchanges and legal briefs” (2006, 220). Of course, I think McConnell-Ginet is too quick to dismiss stipulation as a tool for making sense of what a speaker is doing when they articulate or defend an instrumental definition, but, as with Carnap and Haslanger’s views, her ends-directed approach to this metalinguistic activity dovetails neatly with the account of stipulation I defend here. [↑](#footnote-ref-18)
19. See MacFarlane (2011) for an overall assessment of the advantages and disadvantages of Stalnaker’s view of assertion. [↑](#footnote-ref-19)
20. Thanks to two anonymous reviewers for recommending I address Stalnaker’s view here. [↑](#footnote-ref-20)
21. Furthermore, even taking in isolation Horwich’s example of a speaker articulating a novel term, it is difficult to see how the speaker could be interpreted as “commanding” others to give uptake to this novel term. The speaker’s goal in such cases seems much more plausibly described as wanting other speakers to view the novel term as, in some sense, correct or useful. They do not simply want other speakers to give uptake to the novel term purely on the basis of the stipulator’s authority. [↑](#footnote-ref-21)
22. Because I take up Lance and Kukla’s methodological orientation of analyzing speech acts via their *successful* uptake, my discussion of stipulation in this paper inevitably involves a certain degree of idealization that abstracts from the circumstances of informal authority attributions. But individuating stipulation as a speech act according to this methodology is compatible with accounting for and acknowledging such circumstances, as my discussion here shows and as Kukla’s own (2014) discussion shows. [↑](#footnote-ref-22)
23. “*Kashrut*” refers to the laws governing Jewish eating practices. [↑](#footnote-ref-23)
24. There are an enormous, perhaps incalculable number of causal factors will determine whether a stipulation secures uptake from the relevant community, and these factors are not under speaker control. (See Cappelen (2018), Chapter 7, for more discussion of this point.) [↑](#footnote-ref-24)
25. My account therefore has an explanation for why Horwich would opt for a general “we” that introduces a novel term. On my account, stipulation is not indexed to a formal position of authority for its felicitous performance. Because of this, any speaker can potentially carry out a successful stipulation. But severing stipulation from formal speaker authority means it cannot be a command or order (without a great deal of further argument) and that a view of stipulation that accounts for this egalitarian dimension of the act is needed – which my account provides. [↑](#footnote-ref-25)
26. Bach and Harnish (1979) offer an account of what they call “suppositives” under which they list stipulations as an example. Someone carries out a suppositive if, first, their utterance expresses “the belief that it is worth considering the consequences of *P*” and, second, if their utterance expresses “the intention that [the hearer] *H* believe that it is worth considering the consequences of *P*” (44). As I explain throughout the paper, my account of stipulation is not fundamentally linked to speaker or hearer intentions. I also do not view stipulations as a subset of constatives, as Bach and Harnish do (though they acknowledge on 45 of their (1979) that suppositives are also not a comfortable fit for their understanding of constatives). Bach and Harnish’s emphasis on how speakers appeal to the worthwhile “consequences” of supposing *P* is, however, congenial to my account. [↑](#footnote-ref-26)
27. My view provides one way of elaborating Plunkett and Sundell’s (2013) account of how we metalinguistically advocate for and negotiate over our preferred understanding or use of a particular concept. Plunkett and Sundell do not give a detailed pragmatics of what they take the acts of “advocacy” and “negotiation” to involve; my account of stipulation provides one way of understanding such acts. Thomasson (2017 and forthcoming) develop Plunkett and Sundell’s account in a metaphilosophical direction that is particularly congenial to the views I advance in this paper. [↑](#footnote-ref-27)